

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of May 28, 2008

Members Present: Priscilla Remington, Curt Castner, Gary Frenz, Alternate Marion Luce
Absent: Dan Smith, Gail Serrine,

Others Present: Counsel to Boards Mark Schachner, Town Board Member Bob Olson, Zoning Administrator Gary McMeekin

Guests Present: Cindy Mead, Paul Empett, Robert Fradkin, Robert Van Vorst, Tom Johanson, Gary Falk, Meredith Van Vorst, Vince Leech, Gerald Hill, Gary Scidmore, Dan Smith, Tracy Schraver. Jason Hill

Chair, Priscilla Remington welcomed new Alternate ZBA member Marion Luce to the board.

PUBLIC HEARINGS:

File # 2008-08AV Tax Map # 20.-1-44 Gary Finch seeking a 30' front yard setback variance to build a 20' x 24' garage on parcel located at 415 Johnson Road in the R2-5 acre zone. The applicant is being represented by Paul Empett. Priscilla Remington asked if anyone had any comments or questions. Being no comments or questions Gary Frenz made a motion to close the public hearing, 2nd by Marion Luce. All Ayes.

File # 2008-09AV Tax Map # 38.20-1-5 Dennis Borrello seeking at 20' shoreline setback variance to build a screened porch over existing deck on parcel located at 12 Horicon Birches Road in the R1-1.3 acre zone. The applicant is being represented by Schraver Construction. Priscilla Remington asked if anyone had any comments or questions. Tracy Schraver explained the project to the board. Being no further comments or questions Priscilla Remington made a motion to close the public hearing, 2nd by Curt Castner. All Ayes.

File #2008-10AV Tax Map # 36.3-3-12.2 Ross and Mary Schoembs seeking a 2' dock surface area variance to add an 8' x 8' dock section to approved dock on parcel located at 213 East Shore Dr in the R1-1.3 acres zone. Gary McMeekin stated that the applicant is applying to add an additional 2' to the dock section on the left side away from the shared dock location. Priscilla Remington opened the floor to the public for comments and questions. Robert Van Voorst, 210 East Shore Dr. stated that this dock is being located near the 10' Right-of-way that is shared by other property owners and he has concerns about the placement of the dock.

Richard Derr, 206 East Shore Dr. submitted photos

Priscilla Remington read the Warren County Planning Board recommendation - No County Impact.

Discussion ensued regarding the ability to move the dock location. Gary McMeekin stated that this would not affect the variance request. Curt Castner made a motion to close the public hearing, 2nd by Gary Frenz. All Ayes.

File #2008-12AV Tax Map 37.-1-25 Gerald and Jason Hill seeking a 292' roadway frontage variance to subdivide parcel located at 239 Dorset Road in the R2-2 and LC-10 acre zones. Priscilla Remington stated that this is a "gift" parcel and asked if anyone had any comments or questions. Jason Hill explained that the parcel currently has two (2) driveways. Being no further comments or questions, Priscilla Remington made a motion to close the public hearing, 2nd by Gary Frenz. All Ayes.

File # 2008-11AV Tax Map 38.16-1-14.2 James and Lois Wohlers seeking a 50' shoreline setback variance to

enclose an existing screened porch on parcel located at 28 Horicon Birches Rd in the R1-1.3 acre zone. Priscilla Remington state that this is an after-the-fact variance request. Being no comments or questions, Priscilla Remington made a motion to close the public hearing, 2nd by Curt Castner. All Ayes.

File #2008-12AV Tax Map 39.17-1-7 McHugh and Cuomo seeking a 44' shoreline setback variance, a 26' roadway setback variance and a 9' side yard setback variance to replace existing gazebo and install steps to parcel located at State Rte 8 in the R1-1.3 acre zone. The applicant is being represented by Smith & Simon. Attorney Dan Smith presented photos to the board stating the Vincent Leech is intended purchaser of the parcel. Discussion ensued between Gary McMeekin and Attorney Dan Smith regarding the footprint of the building. Gary Scidmore, adjoining property owner stated that the gazebo could be moved the meet the side yard setback requirement. Lengthy discussion ensued regarding the guardrail, a privacy fence, electricity, old piers. Being no further comments or questions, Gary Frenz made a motion to close the public hearing, 2nd by Curt Castner. All Ayes. After further discussion regarding the moving of the gazebo location and the possible modification of the variance requests, Priscilla Remington made a motion to re-open the public hearing, 2nd by Gary Frenz. All Ayes.

The Regular meeting of the ZBA was called to order by Chair Priscilla Remington.

UNFINISHED BUSINESS:

File # 2008-08AV Tax Map # 20.-1-44 Gary Finch seeking a 30' front yard setback variance to build a 20' x 24' garage on parcel located at 415 Johnson Road in the R2-5 acre zone. The applicant is being represented by Paul Empett. After a brief discussion, Gary Frenz made a motion to approve the 30' front yard setback variance as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties, benefit sought be applicant cannot be achieved by other means, this is not substantial, no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self created, 2nd by Curt Castner. All Ayes.

File # 2008-09AV Tax Map # 38.20-1-5 Dennis Borrello seeking at 20' shoreline setback variance to build a screened porch over existing deck on parcel located at 12 Horicon Birches Road in the R1-1.3 acre zone. The applicant is being represented by Schraver Construction. After a brief discussion, Priscilla Remington made a motion to approve the 20' shoreline setback variance as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties, benefit sought be applicant cannot be achieved by other means, this is a substantial request but the structure will not encroach any further on the shoreline than what exists, no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self created, 2nd by Gary Frenz. All Ayes.

File #2008-10AV Tax Map # 36.3-3-12.2 Ross and Mary Schoembs seeking a 2' dock surface area variance to add an 8' x 8' dock section to approved dock on parcel located at 213 East Shore Dr in the R1-1.3 acres zone. After a brief discussion, Gary Frenz made a motion to defer the decision on this project to next month's meeting, 2nd by Curt Castner. All Ayes.

File #2008-12AV Tax Map 37.-1-25 Gerald Hill seeking a 292' roadway frontage variance to subdivide parcel located at 239 Dorset Road in the R2-2 and LC-10 acre zones. After a brief discussion, Gary Frenz made a motion to approve the 292' roadway frontage variance as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties, benefit sought be applicant cannot be achieved by other means,

this is a substantial request, no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self created, 2nd by Curt Castner. All Ayes.

File # 2008-11AV Tax Map 38.16-1-14.2 James and Lois Wohlers seeking a 50' shoreline setback variance to enclose an existing screened porch on parcel located at 28 Horicon Birches Rd in the R1-1.3 acre zone. After a brief discussion Curt Castner made a motion to approve the 50' shoreline variance as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties, benefit sought by applicant cannot be achieved by other means, this is a substantial request but not encroaching any further onto shoreline than what exists, no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self created, 2nd by Priscilla Remington. All Ayes.

File 2008-04AV Tax Map 71.16-1-13 Robert Henshaw seeking an area variance for rear yard setback to build a garage on parcel located at 163 Palisades Rd in the R1-3.2 acre zone. The applicant submitted a scaled drawing and a drawing of the proposed garage as requested by the board. Gary Frenz made a motion to deem the application complete and schedule a public hearing, 2nd by Priscilla Remington, All Ayes.

NEW BUSINESS:

File # 2008-14AV Tax Map 55.17-2-21 Altieri and Probst seeking a 52' shoreline setback a 46' roadway setback and a 5' side yard setback variance to build a small cottage on existing footprint of two (2) car garage, Parcel is located on Palisades Rd in the R1-10 acre zone. Alice Altieri presented the board with photos and a map of the proposed septic plan. Gary McMeekin stated that this is under review by the APA. Several discussions ensued at once, the details of those discussions are unaccountable. Gary Frenz made a motion to deem the application complete and schedule a public hearing, 2nd by Curt Castner. All Ayes.

Board Privilege:

Reminder - July meeting will be held on the 5th Tuesday - July 29th. Not on the 4th Tuesday as usual.
Training session - Association of Towns Summer School - July 23rd at the Queensbury Town Hall.

There being no further business before the board, Chair, Priscilla Remington adjourned the meeting at 9:20 PM

Respectfully Submitted.
Christine Smith-Hayes, Secretary